

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Emergency Regulation

Title of Regulation: 2VAC5-425. Vapor Pressure Requirements for Gasoline Ethanol Blends (adding 2VAC5-425-10, 2VAC5-425-20).

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Effective Dates: April 19, 2016, through October 18, 2017.

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Preamble:

Section 2.2-4011 A of the Code of Virginia states that "[r]egulations that an agency finds are necessitated by an emergency situation may be adopted upon consultation with the Attorney General, which approval shall be granted only after the agency has submitted a request stating in writing the nature of the emergency, and the necessity for such action shall be at the sole discretion of the Governor." This emergency regulation pertains to gasoline ethanol blends and allowable exceptions to vapor pressure standards described in the current standards adopted by ASTM International. The vapor pressure of ethanol blended gasoline is a measure of the fuel's volatility or evaporation characteristics. This pressure is regulated and manipulated by refineries to comply with federal and ASTM standards.

Currently, § 59.1-153 of the Motor Fuels and Lubricating Oils Law (Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia) incorporates National Institute of Standards and Technology (NIST) Handbook 130, which utilizes ASTM standards, into the law. The vapor pressure limit for ethanol blended gasoline is established for specified periods of the year in ASTM Standard D4814. The NIST Handbook 130, Section 2.1.2 authorizes a 1.0 psi exception to the ASTM standard; however, this exception expires May 1, 2016. The 1.0 psi exception was previously allowed under 2VAC5-420, but the Board of Agriculture and Consumer Services repealed 2VAC5-420 in 2012 following the incorporation of the NIST handbook and ASTM standards into the Virginia's Motor Fuels and Lubricating Oils Law. The NIST Handbook 130 and ASTM standards were incorporated into the law in advance of the repeal of 2VAC5-420.

Virginia utilizes the Colonial Pipeline, a gasoline pipeline that originates in Texas and ends in New Jersey. Virginia is the only state in the Colonial Pipeline that will not have a 1.0 psi exception after May 1, 2016, as the other states have either granted a waiver for or adopted a regulation with the exception. In order to ensure that the gasoline in the pipeline can continue to flow into and through Virginia after May 1, 2016, a regulation granting a 1.0 psi exception must be in place before that date, which can only be accomplished through the emergency regulatory process.

This emergency action addresses the vapor pressure requirements for ethanol blended gasoline in Virginia. Specifically, it provides a 1.0 psi exception to the maximum vapor

pressure set by ASTM International as currently outlined in NIST Handbook 130, Section 2.1.2.

CHAPTER 425

VAPOR PRESSURE REQUIREMENTS FOR GASOLINE ETHANOL BLENDS

2VAC5-425-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"ASTM D4806-16a" means the Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel published by ASTM International in February 2016.

"ASTM D4814-16a" means the Standard Specification for Automotive Spark-Ignition Engine Fuel published by ASTM International in February 2016.

"psi" means pounds per square inch.

"Volatility class A" means fuel with a vapor pressure and distillation designation of "A" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM D4814-16a.

"Volatility class B" means fuel with a vapor pressure and distillation designation of "B" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM D4814-16a.

"Volatility class C" means fuel with a vapor pressure and distillation designation of "C" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM D4814-16a.

"Volatility class D" means fuel with a vapor pressure and distillation designation of "D" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM D4814-16a.

"Volatility class E" means fuel with a vapor pressure and distillation designation of "E" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM D4814-16a.

2VAC5-425-20. Vapor pressure requirements; exceptions.

When gasoline is blended with ethanol, the ethanol shall meet the requirements of ASTM D4806-16a and the blend shall meet the requirements of ASTM D4814-16a, with following permissible exceptions:

1. For blends containing nine to 10 volume percent ethanol, the maximum vapor pressure shall not exceed the ASTM D4814-16a limits by more than 1.0 psi during the period of June 1 through September 15.
2. For blends containing one or more volume percent ethanol for volatility class A, B, C, or D, the maximum vapor pressure shall not exceed ASTM D4814-16a limits by more than 1.0 psi during the period of September 16 through May 31.
3. For blends containing one or more volume percent ethanol for volatility class E, the maximum vapor pressure shall not exceed ASTM D4814-16a limits by more than 0.5 psi during the period of September 16 through May 31.

DOCUMENTS INCORPORATED BY REFERENCE (2VAC5-425)

Standard Specification for Automotive Spark-Ignition Engine Fuel, ASTM D4814-16a, February 2016, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org

Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, ASTM D4806-16a, February 2016, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org

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